



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-979, C-570-980]

### **Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Preliminary Results of Changed Circumstances Reviews, and Intent to Revoke the Antidumping and Countervailing Duty Orders, in Part**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On August 8, 2022, the U.S. Department of Commerce (Commerce) received a request for revocation, in part, of the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) from Shenzhen Hello Tech Energy Co., Ltd. (Hello Tech) with respect to certain off-grid small portable crystalline silicon photovoltaic (CSPV) panels as described below. We preliminarily determine to revoke, in part, the solar cells AD and CVD orders with respect to these products. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable [Insert date of publication in the *Federal Register*].

**FOR FURTHER INFORMATION CONTACT:** Daniel Alexander, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4313.

## SUPPLEMENTARY INFORMATION:

### Background

On December 7, 2012, Commerce published the AD and CVD orders on solar cells from China.<sup>1</sup> On August 8, 2022, Hello Tech, a Chinese producer and exporter of subject merchandise, requested that Commerce conduct changed circumstances reviews (CCR) to find that it is appropriate to revoke the *Orders*, in part, with respect to certain off-grid small portable CSPV panels, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).<sup>2</sup> Hello Tech's CCR request included a letter from the American Alliance for Solar Manufacturing (the Alliance) (a coalition of domestic producers of solar cells), which stated that the Alliance did not oppose Hello Tech's request for changed circumstances reviews and its proposed exclusion language.<sup>3</sup> On September 29, 2022, we published the notice of initiation of the requested CCRs.<sup>4</sup> In the *Initiation Notice*, we invited interested parties to provide comments and/or factual information regarding these CCRs, including comments on industry support and the proposed partial revocation language.<sup>5</sup> We received no comments or factual information.

### Scope of the *Orders*

The merchandise covered by these *Orders* is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

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<sup>1</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012); see also *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Countervailing Duty Order*, 77 FR 73017 (December 7, 2012) (collectively, *Orders*).

<sup>2</sup> See Hello Tech's Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Hello Tech's Resubmitted Request for Changed Circumstances Reviews," dated August 8, 2022 (CCR Request).

<sup>3</sup> *Id.* at Exhibit 7.

<sup>4</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Notice of Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the Antidumping and Countervailing Duty Orders in Part*, 87 FR 59052 (September 29, 2022) (*Initiation Notice*).

<sup>5</sup> *Id.*, 87 FR at 59053.

These *Orders* cover crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise under consideration are included in the scope of the *Orders*.

Excluded from the scope of the *Orders* are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of the *Orders* are crystalline silicon photovoltaic cells, not exceeding 10,000mm<sup>2</sup> in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Additionally, excluded from the scope of the *Orders* are panels with surface area from 3,450 mm<sup>2</sup> to 33,782 mm<sup>2</sup> with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Also excluded from the scope of the *Orders* are:

1. Off grid CSPV panels in rigid form with a glass cover, with the following characteristics:

- (A) a total power output of 100 watts or less per panel;
  - (B) a maximum surface area of 8,000 cm<sup>2</sup> per panel;
  - (C) do not include a built-in inverter;
  - (D) must include a permanently connected wire that terminates in either an 8mm male barrel connector, or a two-port rectangular connector with two pins in square housings of different colors;
  - (E) must include visible parallel grid collector metallic wire lines every 1-4 millimeters across each solar cell; and
  - (F) must be in individual retail packaging (for purposes of this provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport); and
2. Off grid CSPV panels without a glass cover, with the following characteristics:
- (A) a total power output of 100 watts or less per panel;
  - (B) a maximum surface area of 8,000 cm<sup>2</sup> per panel;
  - (C) do not include a built-in inverter;
  - (D) must include visible parallel grid collector metallic wire lines every 1-4 millimeters across each solar cell; and
  - (E) each panel is
    - 1. permanently integrated into a consumer good;
    - 2. encased in a laminated material without stitching, or
    - 3. has all of the following characteristics: (i) the panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zippered storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB-A connector.

In addition, the following CSPV panels are excluded from the scope of the *Orders*: off-grid CSPV panels in rigid form with a glass cover, with each of the following physical

characteristics, whether or not assembled into a fully completed off-grid hydropanel

whose function is conversion of water vapor into liquid water:

- (A) A total power output of no more than 80 watts per panel;
- (B) A surface area of less than 5,000 square centimeters (cm<sup>2</sup>) per panel;
- (C) Do not include a built-in inverter;
- (D) Do not have a frame around the edges of the panel;
- (E) Include a clear glass back panel; and
- (F) Must include a permanently connected wire that terminates in a two-port rectangular connector.

Modules, laminates, and panels produced in a third-country from cells produced in China are covered by the *Orders*; however, modules, laminates, and panels produced in China from cells produced in a third-country are not covered by the *Orders*.

Merchandise covered by the *Orders* is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Orders* is dispositive.<sup>6</sup>

#### Scope of the CCRs

Hello Tech requests that Commerce revoke the *Orders*, in part, to exclude from the scope off-grid small portable crystalline silicon photovoltaic panels, with or without a glass cover, with the following characteristics:

- (A) a total power output of 200 watts or less per panel;
- (B) a maximum surface area of 16,000 cm<sup>2</sup> per panel;
- (C) no built-in inverter;

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<sup>6</sup> See *Orders*.

- (D) an integrated handle or a handle attached to the package for ease of carry;
- (E) one or more integrated kickstands for easy installation or angle adjustment;
- and
- (F) a wire of not less than 3 meters either permanently connected or attached to the package that terminates in an 8mm diameter male barrel connector.

#### Preliminary Results of CCRs and Intent to Revoke the *Orders*, in Part

Pursuant to section 751(d)(1) of the Act, and 19 CFR 351.222(g), Commerce may revoke an AD or CVD order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.*, a CCR). Section 751(b)(1) of the Act requires a CCR to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 782(h)(2) of the Act gives Commerce the authority to revoke an order if producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order. Section 351.222(g) of Commerce's regulations provides that Commerce will conduct a CCR of an AD or CVD order under 19 CFR 351.216, and may revoke an order (in whole or in part), if it concludes that: (i) producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the relief provided by the order, in whole or in part; or (ii) if other changed circumstances sufficient to warrant revocation exist. Thus, both the Act and Commerce's regulations require that "substantially all" domestic producers express a lack of interest in the order for Commerce to revoke the order, in whole or in part.<sup>7</sup> In its administrative practice, Commerce has interpreted "substantially all" to represent producers accounting for at least 85 percent of U.S. production of the domestic like product.<sup>8</sup>

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<sup>7</sup> See section 782(h) of the Act; and 19 CFR 351.222(g).

<sup>8</sup> See, e.g., *Honey from Argentina; Antidumping and Countervailing Duty Changed Circumstances Reviews; Preliminary Intent to Revoke Antidumping and Countervailing Duty Orders*, 77 FR 67790, 67791 (November 14, 2012), unchanged in *Honey from Argentina; Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews; Revocation of Antidumping and Countervailing Duty Orders*, 77 FR 77029 (December 31, 2012).

Hello Tech submitted a letter from the Alliance, a coalition of U.S. producers of the domestic like product, which stated that the Alliance did not oppose the changed circumstances reviews or the specific exclusion language proposed by Hello Tech.<sup>9</sup> In that letter, the Alliance did not indicate its share of production of the domestic like product.<sup>10</sup> Thus, Commerce was unable to determine, at the time that it initiated these CCRs, whether producers accounting for substantially all of the U.S. production of the domestic like product lacked interest in the *Orders* with respect to the off-grid small portable CSPV panels under consideration here. As a result, Commerce did not issue a combined notice of initiation and preliminary results in these CCRs.<sup>11</sup> Instead, as stated above, in the *Initiation Notice*, Commerce invited interested parties to provide comments and/or factual information regarding these CCRs, including comments on industry support and the proposed partial revocation language. No party submitted comments. Accordingly, we find that the domestic industry has expressed no opposition with respect to the proposed revocation, in part, of the *Orders*.

In light of the Alliance's statement of lack of interest in maintaining the *Orders* with respect to the off-grid small portable CSPV panels described by Hello Tech, and in the absence of any other interested party comments addressing the issue of domestic industry support, we preliminarily conclude that producers accounting for substantially all of the production of the domestic like product to which the *Orders* pertain lack interest in the relief provided by the *Orders* with respect to the off-grid small portable CSPV panels that are the subject of Hello Tech's CCR request. Thus, we preliminarily determine that changed circumstances warrant revocation of the *Orders*, in part, with respect to such panels. Accordingly, we are notifying the public of our intent to revoke the *Orders*, in part, with respect to the off-grid small portable CSPV panels described in the "Scope of the CCRs" section above.

If we make a final determination to revoke the *Orders* in part, then Commerce will apply

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<sup>9</sup> See CCR Request at Exhibit 7.

<sup>10</sup> *Id.*; see also *Initiation Notice*.

<sup>11</sup> See *Initiation Notice*.

this determination to each order as follows. Because we have completed administrative reviews of the *Orders*, the partial revocation will be retroactively applied to unliquidated entries of merchandise subject to the CCRs that were entered or withdrawn from warehouse, for consumption, on or after the day following the last day of the period covered by the most recently completed administrative reviews of the *Orders*, and which are not covered by automatic liquidation.

We will consider comments from interested parties on these preliminary results before issuing the final results of these CCRs.<sup>12</sup>

### Public Comment

Interested parties are invited to comment on these preliminary results of CCRs in accordance with 19 CFR 351.309(c)(1)(ii). Written comments may be submitted no later than 14 days after the date of publication of these preliminary results in the *Federal Register*. Rebuttal comments, limited to issues raised in written comments, may be filed no later than seven days after the due date for initial comments.<sup>13</sup> All submissions must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).<sup>14</sup> ACCESS is available to registered users at <https://access.trade.gov>. An electronically filed document must be successfully received in its entirety by ACCESS, by 5 p.m. Eastern Time on the deadlines set forth in this notice. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>15</sup>

### Final Results of the CCRs

Commerce will issue the final results of these CCRs, which will include its analysis of

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<sup>12</sup> See, e.g., *Aluminum Extrusions from the People's Republic of China: Preliminary Results of Changed Circumstances Reviews, and Intent to Revoke Antidumping and Countervailing Duty Orders in Part*, 78 FR 66895 (November 7, 2013); and 19 CFR 351.222(g)(3)(v).

<sup>13</sup> See 19 CFR 351.309(d); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

<sup>14</sup> See generally 19 CFR 351.303.

<sup>15</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 29615 (May 18, 2020); and *Temporary Rule*.



any written comments, no later than 270 days after the date on which these reviews were initiated.<sup>16</sup> If, in the final results of these reviews, Commerce continues to determine that changed circumstances warrant the revocation of the *Orders*, in part, we will instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to ADs or CVDs, and to refund any estimated ADs and CVDs deposited on all unliquidated entries of the merchandise covered by the revocation that are not covered by the final results of an administrative review or an automatic liquidation instruction to CBP. The current requirement for cash deposits of estimated ADs and CVDs on all entries of subject merchandise will continue unless they are modified pursuant to the final results of these changed CCRs.

These preliminary results of these reviews and this notice are published in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: February 27, 2023.

Abdelali Elouaradia,  
Deputy Assistant Secretary  
for Enforcement and Compliance.

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<sup>16</sup> See 19 CFR 351.216(e).